

**From:** [Fugh, Justina \(she/her/hers\)](#)  
**To:** [Seth, Sanjay \(he/him/his\)](#)  
**Cc:** [Griffo, Shannon](#); [Jensen, Leann](#)  
**Subject:** formal ratification of approval of your outside activity  
**Date:** Friday, July 21, 2023 10:26:11 AM  
**Attachments:** [outside activity approval seth \(003\).pdf](#)  
[Outside Activity Conditions Seth \(002\).pdf](#)

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Hi there,

This note confirms that I have received your request to engage in compensated outside activity to serve as a compensated lecturer in real estate in the Department of Urban Planning and Design at the Harvard University Graduate School of Design.

Based on the information you provided to Region 1, **I am approving your request** as consistent with 5 C.F.R. Part 2635, Subpart H. Should you be asked to teach another course or take on other responsibilities, you will need to send in a new request for approval, but this time to me. Please note the following ethics reminders:

#### FINANCIAL CONFLICT OF INTEREST

Because you will be compensated, you will have a financial conflict of interest with Harvard University pursuant to [18 U.S.C. § 208](#). As a lecturer/adjunct, however, you are likely hired on a contractual basis and are not directly employed by the university (e.g., you likely do not receive benefits). The financial conflict of interest rules will apply to you like this: do not participate personally and substantially in any particular matter that will affect the ability or willingness of Harvard honor the terms of your contract.

#### LOSS OF IMPARTIALITY

Given the contractual relationship you have with Harvard, however, we consider that you have a “covered relationship” with it. See [5 C.F.R. § 2635.502](#). Do not participate in any specific party matter in which Harvard is a party or represents a party. If, for example, Harvard invites the RA to speak on a panel to its students, you should not participate as part of your official duties unless you first consult with an ethics official.

#### REPRESENTATIONAL CONFLICT OF INTEREST

You are subject to the representational conflict of interest statutes set forth at [18 U.S.C. § 203](#) and [18 U.S.C. § 205](#). You cannot represent Harvard as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest, and because you are compensated, you can’t receive any payment for anyone else’s representational services. Do not contact any United States government official on behalf of Harvard, even on your own time, including not arranging for any federal speaker in official capacity.

#### MISUSE OF POSITION

Be mindful about the Agency’s [Limited Personal Use of Equipment policy](#). Do not use EPA equipment -- including phones, workspace, computer or time -- in connection with your outside activity. You are not representing EPA in connection with outside activity. While teleworking, be mindful of the fact that your home is your federal workplace. When you are “on the EPA clock” (that is, your duty hours), do not also work on outside activity. You must be careful to delineate between your official time and use of our resources, and your personal time. Do not use EPA equipment, including the computer or email address, in connection with outside activity.

#### REPORTING OBLIGATION

Please remember to report this outside position and income on your financial disclosure report.

Cheers,  
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington, DC 20460 | phone 202-564-1786

Send general ethics questions to [ethics@epa.gov](mailto:ethics@epa.gov) and we will get back to you

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**From:** Seth, Sanjay (he/him/his) <[Seth.Sanjay@epa.gov](mailto:Seth.Sanjay@epa.gov)>  
**Sent:** Wednesday, July 19, 2023 8:31 AM  
**To:** Fugh, Justina (she/her/hers) <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Jensen, Leann <[Jensen.Leann@epa.gov](mailto:Jensen.Leann@epa.gov)>  
**Subject:** RE: question about your outside activity with Harvard University

Thank you, Justina! The course I will be teaching is currently titled "Climate Change, Real Estate, and Public Policy". I will not be teaching any other courses. I have asked Harvard to remove the link to EPA in my website bio.

**From:** Fugh, Justina (she/her/hers) <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, July 18, 2023 7:50 PM

**To:** Seth, Sanjay (he/him/his) <[Seth.Sanjay@epa.gov](mailto:Seth.Sanjay@epa.gov)>

**Cc:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Jensen, Leann <[Jensen.Leann@epa.gov](mailto:Jensen.Leann@epa.gov)>

**Subject:** question about your outside activity with Harvard University

Hi there,

On June 6, 2023, Karen McGuire, the deputy ethics official in Region 1, approved a request for you to engage in outside activity with Harvard University (see attached). But as an Administratively Determined appointee in this administration, your request should have been directed to me. The Chief of Staff and I have worked the following policy for AD appointees:

TYPE OF APPOINTEE	TYPE OF OUTSIDE ACTIVITY	CONCURRENCE
All NC SES, Schedule C and AD	Any non-political outside activity compensated or uncompensated, that is directly related to EPA's mission	Justina consults Dan Utech, as necessary as a matter of policy
All NC SES, Schedule C and AD	Any non-political outside activity, compensated or uncompensated, unrelated to EPA's mission	If approvable, then Justina may assume that AO concurs and need not to consult Dan or Janet to issue determination


(b) (5)

Also, turning to your bio on the Harvard Graduate School of Design, I noticed that it features your current EPA position and includes a link to the official Agency website. Because your bio continues to provide additional biographical details, I will not ask for any changes to the text, but please ask Harvard to remove the link to the official EPA Region 1 website. You are not representing EPA so I don't see why your Harvard bio should contain a link to our website.



Harvard University  
Graduate School of Design

Faculty



## Sanjay Seth

Lecturer in Real Estate

Sanjay Seth is Chief of Staff & Senior Advisor for Climate and Equity for the U.S. Environmental Protection Agency (EPA), Region 1, which is a 550-person unit of EPA focused on the New England region. In this role, he supports the Regional Administrator to craft and implement policy, planning, operations, and personnel strategies across all programs, with a focus on climate change, environmental

**Contact**  
[sseth@gsd.harvard.edu](mailto:sseth@gsd.harvard.edu)  
617-495-6120  
Gund 312  
[Website](#)

(b) (5)

Thank you,  
Justina

Justina Fugh (she/her) | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 | phone 202-564-1786

Send general ethics questions to [ethics@epa.gov](mailto:ethics@epa.gov) and we will get back to you



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

BOSTON, MA 02109-3912

MEMORANDUM

**Subject:** Permission to Engage in Outside Employment with Harvard University

**From:** Karen McGuire  
Deputy Regional Administrator and Deputy Ethics Official

KAREN  
MCGUIRE

Digitally signed by KAREN  
MCGUIRE  
Date: 2023.06.07 17:36:41  
-04'00'

**To:** Sanjay Seth  
Chief of Staff

**CONFIDENTIAL**

Pursuant to 5 C.F.R. § 6401.103, I have reviewed your request for permission to engage in outside employment as an Adjunct Professor at Harvard University. In particular, it is my understanding that you will teach a course at Harvard University within the Department of Urban Planning and Design at the Harvard University Graduate School of Design. You will be appointed to the Faculty in Fall 2023 and will teach the course in the Spring of 2024. Your role will include the typical responsibilities of faculty, including preparing and teaching courses, engaging with students in office hours, and other responsibilities. All activities relating to this employment will be conducted on your personal time and with your own or Harvard's facilities and equipment, using appropriate leave and work scheduling, as required. You will receive \$(b) (6) as compensation for this work.

I find that your participation in this outside activity creates neither an actual conflict of interest nor the appearance of a conflict of interest, provided you comply with the attached memorandum from LeAnn Jensen, Assistant Deputy Ethics Official. Accordingly, your request is approved. This approval is valid for one year from the date of my approval. If, however, there is a change in the nature or scope of your duties or services, you must submit a revised request to me.

If you have any further questions regarding this matter, please contact Ms. Jensen at 617-918-1072.

Attachment





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

**PERSONAL AND CONFIDENTIAL**

**MEMORANDUM**

**DATE:** May 25, 2023

**SUBJECT:** Permission to Engage in Outside Employment/Sanjay Seth

**FROM:** LeAnn Jensen  
Assistant Deputy Ethics Official **LEANN JENSEN** Digitally signed by LEANN JENSEN  
Date: 2023.06.08 17:02:53 -04'00'

**TO:** Karen McGuire  
Deputy Regional Administrator and Deputy Ethics Official

We have received an application from Sanjay Seth requesting permission to engage in outside employment. In his official capacity, Mr. Seth works in the Region 1 Office of the Regional Administrator as an Administratively Determined Chief of Staff.

Mr. Seth has requested permission to engage in outside employment as an Adjunct Professor at Harvard University. In this capacity, he expects to teach a course at Harvard University within the Department of Urban Planning and Design at the Harvard University Graduate School of Design. He will be appointed to the Faculty in Fall 2023 and will teach the course in the Spring of 2024. His role will include the typical responsibilities of faculty, including preparing and teaching courses, engaging with students in office hours, and other responsibilities. All activities relating to this employment will be conducted on his personal time and with his own or Harvard's facilities and equipment, using appropriate leave and work scheduling, as required.

In addition, please note that Mr. Seth will receive \$(b) (6) as compensation for this work. Although the subject matter of this course may involve his official duties, under the Standards of Ethical Conduct, Mr. Seth may accept this compensation for teaching a course requiring multiple presentations offered as part of the regularly established curriculum of an accredited institution of higher learning. Accordingly, I recommend that Mr. Seth be permitted to engage in this employment as long as the following conditions are met.

1. The employee must be familiar with the terms of 18 U.S.C. §§ 203, 205 and 208, and the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), 5 C.F.R. Part 2635, particularly 5 C.F.R. Part 2635, Subparts G and H (which include Office of Government Ethics misuse of position and outside activity regulations). He must also be familiar with 5 C.F.R. § 6401.103. The relevant statutes and regulations can be found at

<https://www.oge.gov/web/oge.nsf/Legal%20Research%20Search%20Collection?OpenForm>.

The employee should consult with me if any questions of propriety arise and he is unsure of how to resolve these questions in conformity with the above-mentioned statutes and regulations. In addition, if there is a change in the nature or scope of his duties in connection with the outside employment, he should promptly submit a revised request for approval to you.

2. The employee may not use or permit the use of his official title or position to identify himself in connection with the outside employment. He may, however, include or permit the inclusion of his EPA title or position as one of several biographical details when such information is given to identify him, provided that his title or position is given no more prominence than other significant biographical details.
3. The employee may not use information obtained as a result of government employment that has not been made available to the general public and would not be made available upon request.
4. The employee is prohibited by criminal statute from directly participating in his official capacity as an EPA employee in any matter that he, his spouse, minor child, partner, or outside employer has a financial interest.
5. Similarly, the employee must take appropriate steps to avoid an appearance of partiality in the performance of his official duties. Thus, if the employee is involved in an EPA matter that could have a direct and predictable effect on the financial interests of a person with whom he has a "covered relationship," and knows that a reasonable person could question his partiality in the matter, he should recuse himself from any participation in the matter or seek authorization to continue his involvement from you.

The definition of the term "covered relationship" includes, among other things, any person for whom the employee has, within the last year, served as a consultant, contractor or employee. 5 C.F.R. § 2635.502 (available at [https://www.oge.gov/Web/oge.nsf/0/076ABBBFC3B026A785257F14006929A2/\\$FILE/SOC%20as%20of%2081%20FR%2081641%20FINAL.pdf](https://www.oge.gov/Web/oge.nsf/0/076ABBBFC3B026A785257F14006929A2/$FILE/SOC%20as%20of%2081%20FR%2081641%20FINAL.pdf)). Accordingly, Mr. Seth should seek ethics counseling before he engages in any EPA matter that involves Harvard University.

6. The employee must not make use of normal work hours for the intended outside activity. Any time devoted to this activity during normal work hours must be taken as annual leave, compensatory time, or leave without pay, with appropriate approval from his supervisor.
7. The employee may not make use of EPA personnel in performing his outside employment.
8. The employee may not make use of EPA office space or equipment in performing his outside employment.
9. Mr. Seth is designated as an OGE Form 278 filer. Accordingly, he should report this outside position and the income derived from this position as required by his 278 filing.

Because the Mr. Seth's outside employment as an Adjunct Professor at Harvard University presents no actual or apparent conflict with his EPA duties, I recommend that this request be approved, provided that he complies with the Standards of Conduct and the above-mentioned conditions. Your approval will be valid for a period of one year. If Mr. Seth continues to engage in this outside activity beyond this one-year approval period and he continues to be employed by EPA, he should promptly submit a revised approval request to you before your current approval elapses.

Requests for approval to engage in outside employment are confidential and may not be disclosed without the employee's consent except to his immediate supervisor, the Deputy Ethics Official, Designated Agency Ethics Official or his alternate, and staff designated to assist them. Note, however, that OGE Form 278 filings may be obtained by the public.

cc: Sanjay Seth, Chief of Staff, Office of the Regional Administrator  
David Cash, Regional Administrator

### **Employee Certification**

This is to certify:

1. That no official duty time, government property, resources or facilities not available to the general public will be used in connection with my proposed outside employment; and
2. I am familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102.

\_\_\_\_\_  
Date

**SANJAY SETH**  
Digitally signed by SANJAY  
SETH  
Date: 2023.06.06 08:02:00  
-04'00'  
\_\_\_\_\_  
Signature